



28 JULY 2011

Lead commissioner's decisions impose costs on patients and taxpayers, say CCP

The Cooperation and Competition Panel (CCP) has found a lead commissioner has acted in a manner that will impose material costs on patients and taxpayers.

The CCP's findings follow an investigation of a conduct complaint made by Circle Health concerning restrictions on hospitals providing or seeking to provide elective care to patients in the PCT areas of Wiltshire and Bath and North East Somerset.

In its report published today, the CCP has concluded that the conduct of Wiltshire PCT (acting as lead commissioner) in pursuing agreements on new contractual terms with local providers has breached Principles 3 and 5 of the *Principles and Rules for Cooperation and Competition*.

In particular, the CCP has found that the PCT's decision to impose a uniform minimum waiting time, restrict the number of services that are commissioned (compared to what was commissioned under previous contracts), and action to distort tariffs would lead to a reduction in choice and competition and impose material costs on patients and taxpayers.

CCP Director Andrew Taylor said:

"The Panel considers that the majority of the aspects of conduct raised in this complaint impose costs on patients and taxpayers that are not outweighed by any of the benefits that may arise from such behaviour. We are now keen to consult on what would be an appropriate remedy to the conduct in question".

Before making a recommendation to the Secretary of State for Health, the CCP is seeking views from interested parties on how the breach of the Principles and Rules it has identified may best be remedied. This reflects the CCP's aim to recommend remedies that are both effective in dealing with the harm identified and proportionate to the breach in terms of the costs imposed on the taxpayer and on organisations concerned. A statement of suggested remedies is available on the CCP's website at www.ccp-panel.org.uk. Interested parties are invited to submit written observations on suitable remedies by close of business on 8 August 2011 to cases@ccpanel.gsi.gov.uk.

ENDS



NOTES

1. More information on this particular conduct complaint can be found on the CCP's website at http://www.ccp-panel.org.uk/cases/NHS_Wiltshire_Conduct_Complaint.html

2. The CCP's role is to ensure that the *Principles and Rules of Co-operation and Competition* for the provision of NHS-funded services successfully support the delivery of high quality care for patients and value for money for taxpayers.

The CCP investigates potential breaches of the *Principles and Rules*, and makes independent recommendations to the Department of Health and Monitor on how such breaches should be resolved. It also reviews proposed NHS mergers, and advises on the wider development of co-operation, patient choice and competition within the NHS. Since its formal introduction in 2009, the CCP has:

- Reviewed 161 NHS merger transactions
- Undertaken 4 conduct cases
- Completed 3 procurement dispute cases
- Undertaken 2 market studies (including the ongoing 'review of choice in elective care')

For more information: <http://www.ccp-panel.org.uk/>

3. For inquiries about the Co-operation and Competition Panel contact Tom Frusher, Policy and Communications Director, on 0207 270 5442/07825 256 530.



CO-OPERATION & COMPETITION PANEL
FOR NHS-FUNDED SERVICES